

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM  
Section 1, Chama Mainstream

**REPLY BY STATE OF NEW MEXICO TO “REPLY” (DOC. 9901)  
FILED BY RON W. RUNDSTRÖM AND ELOY J. GARCIA  
ON BEHALF OF THOMAS MARTINEZ**

The State of New Mexico, *ex rel.* State Engineer, makes this Reply to the June 7, 2010 “Reply” filed by Ron W. Rundström and Eloy Garcia (Doc. 9902) on behalf of Thomas Martinez to the State’s May 25, 2010, *Motion to Require Showing by Sandie Holguin, Thomas Martinez and Joe Branch that they have an Interest in Lands Irrigated by Acequia de Chamita and that they are Successors-in-interest to Persons that Timely Filed Objections to Notices and Orders to Show Cause* (Doc. 9767).

Under Rule 11, every pleading, written motion and other paper shall be signed by at least one attorney of record in the attorney’s name – or by a party *personally* if the party is unrepresented. Fed. R. Civ. P. 11(a) (emphasis added).

The June 7, 2010 reply (Doc. 9901) to the State’s May 25, 2010 Motion (Doc. 9767) was not signed by Thomas Martinez. The reply was signed and filed by Ron W. Rundström and Eloy Garcia “for defendant Thomas Martinez.” Neither Mr. Rundström nor Mr. Garcia is an attorney that has

entered an appearance to represent Mr. Martinez in this matter.

Because the June 7, 2010 reply filed by Ron W. Rundström and Eloy Garcia was not signed by Thomas Martinez personally, it must be stricken from the record unless the omission is promptly corrected after being called to her attention. *See* Fed. R. Civ. P. 11(a).

The State of New Mexico respectfully requests that the Court grant its May 25, 2010, Motion and enter an Order that requires Thomas Martinez (and not some other *pro se* person purportedly acting on her behalf) to show by deed or otherwise that he has an interest in lands irrigated by the Acequia de Chamita and that he is fact a successor-in-interest to persons that timely filed an objection to the Notices and Orders to Show Cause issued by the Court in 1994-95 with respect to the determination of the priority date of water rights under the Chamita Ditch.

Respectfully submitted,

/s/ Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444 telephone  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 8th day of June, 2010, I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Thomas D. Martinez  
4160 Dunquesne Ave. #4  
Culver City, CA 90232

/s/ Ed Newville  
EDWARD G. NEWVILLE